

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Edward C. Villela, et. al **Examiner** : Durand, Paul R.
Application No : 10/806,690 **Art Unit** : 3721
Filed : March 23, 2004 **Docket** : FDN-2652-2/DIV
For : NAIL GUN DEPTH CONTROL SPACER

Mail Stop 313(c)
Commissioner for Patents
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Alexandria, VA 22313-1450

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SEP 09 2005

OFFICE OF PETITIONS**Petition For Withdrawal From Issue Under 37 CFR 1.313(c)**

Sir:

Applicant hereby petitions for the withdrawal of this application from issue. This application was allowed on March 28, 2005. The issue date is for September 13, 2005. This petition is made for consideration of a Request for Continued Prosecution under 37 CFR 1.114 submitted herewith.

Accompanying this petition and the Request for Continued Prosecution is an Information Disclosure Statement. The Applicants respectfully request that this petition be granted so that the enclosed Information Disclosure Statement may be considered by the Examiner.

Enclosed is the appropriate fees as set forth in 37 CFR 1.17.

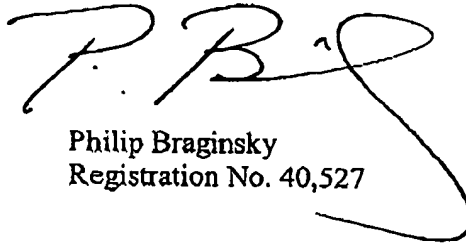
09/13/2005 AKELLEY 00000002 031250 10806690

01 FC:1464 130.00 DA

#936690 v2

On the basis of the above petition and remarks, withdrawal of this application and consideration of the enclosed Request for Continued Examination are requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Braginsky', with a large, sweeping flourish extending from the end of the signature.

Philip Braginsky
Registration No. 40,527

Date: September 9, 2005

SILLS CUMMIS EPSTEIN & GROSS P.C.
30 Rockefeller Plaza
New York, NY 10112
Tel: (212) 643-7000

PTO/SB/97 (09-04)

Approved for use through 07/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

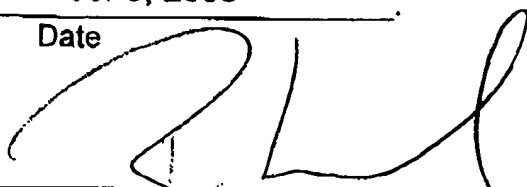
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OFFICE OF PETITIONS**Robert Hemel**

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

1. Petition Fee Transmittal
2. Information Disclosure Statement
3. Petition for Withdrawal from Issue Under 37 CFR 1.313(c)
4. Request for Continued Examination
5. Authorization to charge deposit account

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/85/21 (09-04)

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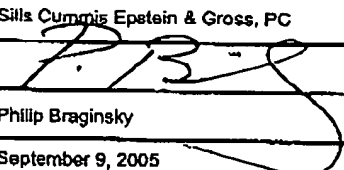
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TRANSMITTAL FORM	Application Number	10/806,690	
	Filing Date	3/23/2004	
	First Named Inventor	Villate et al.	
	Art Unit	3721	
	Examiner Name	Durand, Paul R.	
(to be used for all correspondence after initial filing)		Attorney Docket Number	FDN-2652-2/DIV
Total Number of Pages in This Submission		6	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition for Withdrawal From Issue Under 37 CFR 1.313(c) Request for Continued Examination Transmittal Petition Fee Transmittal Authorization to Charge Deposit Account
Remarks FAX RECEIVED <div style="text-align: right;">SEP 09 2005</div> <div style="text-align: right;">OFFICE OF PETITIONS</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Sills Cummis Epstein & Gross, PC		
Signature			
Printed name	Philip Braginsky		
Date	September 9, 2005	Reg. No.	40,527

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17p (11-04)

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL
 (Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
 P.O. Box 1460, Alexandria, VA 22313-1460

Application Number	10/806,690
Filing Date	March 23, 2004
First Named Inventor	Edward C. Villela, et. al.
Art Unit	3721
Examiner Name	Durand, Paul R.
Attorney Docket Number	FDN-2652-2/DIV

Enclosed is a petition filed under 37 CFR 1.313(c) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.
 This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition). If applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- ☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1250:
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.
- ☐ Check in the amount of \$ _____ is enclosed.
- ☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.53(e) - to accord a filing date
- § 1.57(a) - to accord a filing date
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

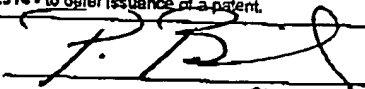
For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.566 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 6.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.


 Signature
 Philip Braginsky
 Typed or printed name

September 9, 2005
 Date
 40,527
 Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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